

Order

Michigan Supreme Court
Lansing, Michigan

June 27, 2018

Stephen J. Markman,
Chief Justice

156620

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 156620
COA: 333207
Muskegon CC: 15-066436-FH

FRED HUSTON-DARNELL CHANDLER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 22, 2017 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment addressing the admission of other-acts evidence and we REMAND this case to that court for reconsideration in light of *People v Denson*, 500 Mich 385 (2017), and *People v Golochowicz*, 413 Mich 298, 310-311 (1982). The prosecutor sought to admit the other-acts evidence to prove identity. “*Golochowicz* identifies the requirements of logical relevance when the proponent is utilizing a modus operandi theory to prove identity.” *People v VanderVliet*, 444 Mich 52, 66 (1993). On remand, the Court of Appeals shall apply *Golochowicz* to determine whether the other-acts evidence was admissible to prove identity. The Court of Appeals shall consider whether the defendant’s other act and the charged offense were sufficiently similar to support this theory of relevance. See *Denson*, 500 Mich at 402-404. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



a0620

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 27, 2018

Clerk